IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7684 OF 2003

Smt.Anusayabai Baburao Khare.. ... Petitioner.

Versus

Ramesh Namdeo Chandramore.... ... Respondent.

Mr. U. B. Nighot for the Petitioner.

None for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : JANUARY 18, 2005.

P.C.:

The petitioner has challenged the order dated 20th May, 1998 passed by the Additional Commissioner, Nasik in R.T.S. Revision No. 102 of 1997 by which the petitioner’s revision is rejected.

2. The petitioner had sought revision against the order of the Additional Collector, Nasik, rejecting his appeal and confirming the order of the lower court. In short the revision was filed against concurrent findings.

3. Mr. Nighot, the learned Counsel for the

petitioner, submitted that there was a partition in the petitioner's family. This partition was recorded by mutation entry No. 286. However, according to the petitioner, the fact is this mutation entry No. 286 has been cancelled by the Sub-Divisional officer, Malegaon. This order dated 8th August, 1989 has not been considered by the revisional court.

4. According to Mr. Nighot, the learned Counsel for the petitioner, the mutation entry No. 286 rightly recorded the facts of the partition between the petitioner and the other members of the family. However, by the order dated 30th July, 1994 the Sub-Divisional Officer, Malegaon, has given effect to the order of the Tahsildar Chandwad dated 6th July, 1979, as a result of which the respondent's name will alone be recorded as owner of the suit land, which would not be correct if the fact of cancellation of mutation entry No. 286 is taken into account. Whatever be the merits of this contention, it is settled law that mutation entry do not confer or affect any right, title or interest in the land. The petitioner or any party, if aggrieved by the invasion of any right or otherwise, is entitled to approach the civil court in accordance with law for assertion and declaration of such right. It is settled law that

mutation entries would than be liable to be corrected in accordance with the decision of the civil court.

5. In this view of the matter, there is no reason to interfere with the impugned order and the petition is, therefore, dismissed with liberty to the petitioner as above.

Sd/-

S. A. BOBDE, J.